DEMAND III—ADMINISTRATION OF JUSTICE.

MR. PUTHUPALLY S. KRISHNA PILLAI: Sir, I rise to move for a grant not exceeding Rs, 11,11,900 under Demand III—Administration of Justice.

Motion Nos. 153 and 154.

The following motions were not made:

MR. NARAYANAPERUMAL NADAR:

153. To reduce the allotment of Rs. 11,896 for Salaries by Re. 1.

MR. A. K. KUMARAN VAIDYAN:

154. To reduce the allotment of Rs. 11,896 for Salaries by Re 1.

Motion No. 155.

MR. K. G. GOVINDAN: Sir, I move—

To reduce the allotment of Rs. 10,846 for process and other establishment by Re. 1.

My object is to speak about corruption in the process and other establishment. The next motion also is closely allied to this subject. I may be permitted to move that also along with this.

DEPUTY PRESIDENT: You may speak on amendment No. 155, and in doing so you have to confine your remarks to the High Court establishment.

MR. K. G. GOVINDAN: Yes, Sir. There is corruption in the process section and in the lower establishment. However muchit may be denied, that truth stands out in all its naked hideousness. Let it not be misunderstood;

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: May I know whether the member is of the opinion that there is corruption among the process servers employed in the High Court?

MR. K. G. GOVINDAN: Yes, Sir.

MR. PUTHUPALLI S. KRISHNA PILLAI: May I know whether there is any process work to be done by the process servers in the High Court and, if so, the extent to which corruption exists in that branch?

MR. K. G. GOVINDAN: I shall not refer to the process work obtaining in the subordinate judicial offices. In referring to the process work obtaining in the High Court, I may incidentally touch up on the work of the process servers in the subordinate courts also.

MR. PUTHUPALLY S. KRISHNA PILLAI: Then, I rise to a point of order. The cut motion relates to the High Court. Remarks about corruption in the process and other establishment in the High Court are appropriate. The member will be out of order in referring to corruption in suborinate offices of the Judicial Department.

DEPUTY PRESIDENT: The member has definitely said that he will confine his remarks to the corruption in the process and other establishment obtaining in the High Court.

MR. K. G GOVINDAN: The presiding officers in the Judicial Department are not corrupt. We have a set of gentlemen who are known for their integrity and correctness, ability and shrewdness in that Department. I may also say that the same state of affairs prevails in the ministerial staff of the High Court. I have not a word to say against them. But there is corruption in the services lower down.

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When I moved this cut motion, I had that point in view. The corruption that is prevailing amongst the lower ranks of the judiciary finally hits the poor advocates. I will illustrate the position. Supposing the client starts from his home. He has to travel in bus. He has to pay a fixed amount, and with the coming of the Transport Bus, there is absolutely no scope for any bargaining there. Then he comes to the place where the court is situated. He enters the court with certain petitions where also he has to pay fixed rates. There is absolutely no scope for bargaining there also. For taking stay petitions to the presiding officer, a fixed fee is to be paid to the bench clerk. For everything there are fixed rates and the poor client goes to the advocate and says that all his money has been exhausted and there is no pie left for payment to the advocate. The only person who is willing to do any work in anticipation of future remuneration is the poor advocate. That is the difficulty experienced by a client. It is therefore I said that the advocate is the person who is finally hit on account of bribery existing in the lower services of the department. I start on the presumption that there is corruption. Probably it may be denied. It can very easily be done, for it is very difficult of proof. Naturally therefore, I have to start on the assumption that there is corruption. It is our duty to solve that problam. We must devise ways and means to stop that evil. There is a person who gives and a person who receives bribe, and we have to find out who is guilty of the two. Should we punish the giver or the receiver of the bribe? This question has been elaborately dealt with by the Authors of the Indian Penal Code, "which is also known as the Perfect Code. The authors came to the conclusion that the giver is not the person to be punished. They have stated as follows:

> "But there are countries where the case is widely different; where men give bribes to Magistrates from exactly the same feeling which leads them to give their purses to robbers or to pay ransom to pirates; where men give their bribes because no man can, without a bribe, obtain common justice. In such countries we think that the giving of bribes is not a proper subject of punishment. It would be as absurd, in such a state of society, to reproach the giver of the bribe with corrupting the virtue of public servants, as it would be to say that, the traveller who delivers his money when a pistol is held to his breast, corrupts the virtue of the highway man."

> "We would by no means be understood to say that India, under the British Government, is in the state answering to this last description."

DEPUTY PRESIDENT: Such abstract theories of corruption and all those things are not quite relevant for the purpose of this cut motion. If the honourable member has got any fact in his possession as to where corruption exists, he might place that fact before the House.

MR. K. G. GOVINDAN: I have already said at the beginning that I am not prepared to cite instances nor advance arguments to prove that there is corruption. I might as well cite instances and advance arguments to prove that it is now broad day light. According to me it

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[Mr. K. G. Govindan.]

is unnecessary to try it. I proceed on the assumption that there is corruption. With that as basis I may conclude with this one sentence in the above passage :—

> "Still we fear it is undeniable that corruption does prevail to a great extent among the lower classes of public functionaries ; that the power which those functionaries possess renders them formidable to the body of the people ; that, in the great majority of cases, the receiver of the bribe is really the tempter, and that the giver of the bribe is really acting in self-defence."

MR. G. VELU PILLAI : May I know the year when this was published ?

MR. K. G. GOVINDAN : This is the observation of the authors of the Indian Code which is also known as the perfect code. Those observations are as true then as they are to-day. In the Travancore Penal Code, the giver of the bribe and the receiver of the bribe are equally punishable. There is no specific provision in our Penal Code to punish the giver of the bribe. But he may be brought under the general section as abetter. My suggestion is that our Penal Code should be so amended as not to punish the giver of the bribe.

MR. N. RAMAKRISHNA PILLAI : The mover of the amendment suggested that there is corruption in the process branch of the High Court. I must emphatically say that there is no taint of corruption anywhere in the High Court. I am sure that there is no corruption among the process servers in the High Court and that there is no scope even for any such corruption. I am sure that there is and there never was any suspicion of corruption anywhere in the High Court, not even among the peons. The process servers in the High Court have no need to go outside to serve the processes of the High Court as those are served through the subordinate judiciary. They have sometimes to serve notices on the advocates practising in the High Court, but there is absolutely no room for corruption in the discharge of these duties.

In this connection I have to bring an important matter to the notice of the House. It is in regard to the cost of printing in the High Court ; in the case of certain appeals and special appeals, the rules require that certain papers should be printed and an advance payment of Rs. 10 should be made in such cases. In cases of the value of Rs. 5,000 and above, all the papers have to be printed. In the case of such Full Bench Appeals I know as a matter of fact that printing charges sometimes go up to Rs. 1,000.

DEPUTY PRESIDENT : Has it got anything to do with the corruption among the process peons and others ?

MR. N. RAMAKRISHNA PILLAI : It is not corruption. Unnecessary expenditure has to be incurred by parties.

DEPUTY PRESIDENT : The member can make his observations on this subject under cut motions for total grants.

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MR. N. RAMAKRISHNA PILLAI : There is no such cut motion. This question has some relevancy to the matter under discussion.

The rates of printing charges were fixed so long ago as in 1084, and it is therefore more than 30 years since this uniform rate has been in operation. Even now Rs. 10 has to be paid in advance in regard to second appeals and appeals of the value of Rs. 5,000 and below. This was the amount originally fixed and it continues to be the amount that has to be paid even to-day.

DEPUTY PRESIDENT : What is the point that the honourable member wants to bring home ?

MR. N. RAMAKRISHNA PILLAI : I say that this matter may be brought under discussion here.

DEPUTY PRESIDENT : I fear it has nothing to do with the cut motion under discussion.

MR. N. RAMAKRISHNA PILLAI : If it is so, I shall take my chance later on to refer to this subjects again.

MR. PUTHUPALLY S. KRISHNA PILLAI : Sir, it is gratifying to note that in spite of the motion as it is worded, the mover has candidly confessed that there is no corruption among the ministerial staff of the High Court or amongst the Judges of the High Court. He says that there is corruption among the process servers of the High Court and the peons, probably attached to the High Court. It would appear that the statement made by the honourable mover is intended to be applicable to the process servers and other peons of the High Court and that it does not apply to other establishment in the High Court. If the honourable member had thought for a moment that the chances of corruption on the part of the process servers in the High Court are very very limited, practically nil, I am sure, the honourable member would not have asked the House to discuss the motion. There are 7 process peons retained in the High Court, but practically no process is served by them. They are retained for the purpose of effecting service of process whenever it is found by the High Court to be absolutely necessary that such process should be served by a peon sent out from the High Court. But such instances are very rare and these process servers are maintained for the purpose of meeting any special order which the High Court may pass. So far as the process servers are concerned, I may state that the occasions on which their services are made use of for the purpose of serving process are very very limited.

Coming to other points, I may say that the charge is equally unfounded. So far as Government are concerned, there has not been a single instance brought to their notice nor have they been made aware that any peon in the High Court is corrupt. The peons are attached to the Judges. Many of hem are personal peons and a few attend the Benches and in Chambers. It is incomprehensible that corruption should be attributed to the peons employed in the High Court. If, as a matter of fact, the member is conscious of any specific instance, he ought to have, in the discharge of his public duties, brought the matter to the notice of the Chief Justice or one of the Judges of the High

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[Mr. Puthupally S. Krishna Pillai.]

Court. I am quite sure the matter would have been promptly enquired into and dealt with, and even if there was a suspicion of the imputed conduct, the delinquent would have been severely dealt with.

One fundamental error committed by the learned mover of the motion is that he starts with the assumption that there is corruption in the ministerial staff and amongst the process servers. In the first place, it is fundamentally opposed to the general principle not only of law but of equity and general standard of life. It pained me very much to hear a member of the learned profession of law to start a motion with the statement that he assumes that all process servers and members of the ministerial staff are corrupt. If the honourable member wanted to make a motion concerning the practice prevailing among the employees of the Judicial Department where there was opportunity for corruption, I would not have objected to the motion on these grounds. And I pointed out sufficiently early the limitations within which the members could start and carry on the discussion.

(At this stage the President took the chair).

Of course, it was suggested that the giver of the bribe should not be punished. Last year the Dewan-President in a statement on a motion of this kind had stated that wherever corruption is alleged if any person who was a party in the matter of offering the bribe would boldly come forward and establish corruption no steps will be taken against him. During the last one year no member of the public appears to have taken advantage of that promise.

Confining myself to the motion before the House I may say that it is the first time that such an imputation is made against the staff of the High Court and I regret the impolicy underlying such a motion.

MR. K. G. GOVINDAN: Sir, I withdraw the motion.

The motion was, by leave, withdrawn.

Motion No. 156

The following motion was not moved :—

MR. K. G. GOVINDAN:

156. To reduce the allotment of Rs. 4,320 for travelling allowance by Re. 1

Motion No. 157

MR. P. NARAYANA PILLAI: Sir, I beg to move the following motion :—

"To reduce the allotment of Rs. 90,700 for High Court by Re. 1 to discuss the policy of granting special holidays for the Judicial Department".

PRESIDENT: Are there any special holidays for the Judicial Department ?

MR. PUTHUPALLY S. KRISHNA PILLAI: No, Sir.

PRESIDENT: I want to know from the honourable member what he means by 'Special holidays' for the Judicial Department ?

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MR. P. NARAYANA PILLAI: Holidays that come under the class of special holidays

PRESIDENT : Certain holidays have been prescribed for all departments of the administration and in addition the High Court has got certain vacations. Which are the holidays that the honourable member is referring to ?

MR. P. NARAYANA PILLAI . All special holidays but not vacations. Granting of special holidays is not at all a workable arrangement so far as the Judicial department is concerned, however practicable it may be with regard to other departments. In the case of other departments, their work is something which depends upon mainly the staff of the department. If some of the officers or clerks are absent, it does not affect the work of other people. But that is not the case with the Judicial Departments. Presiding officer, parties, advocates must all be present if a Court should go on with its work. Otherwise it will completely upset the work of the Court. It is only under very extraordinary circumstances that all these people belong to the same community. So, practically no work could be done in those offices on special holidays.

PRESIDENT : Does the honourable member propose any remedy for it ?

MR. NARAYANA PILLAI : Yes, Sir. My suggestion is that all those special holidays may be converted into general holidays. That is my remedy.

PRESIDENT : Then what will be the total number of holidays ?

MR. M. K. NILAKANTA AIYAR : Fifty-four.

PRESIDENT : Even as it is, there is a great deal of complaint about the delay in the Judicial Department and what will be the condition if 54 plus 60 days are allowed as holidays.

MR. P. NARAYANA PILLAI : The 32nd of last month was a special holiday for the Hindus.

I can also say, Sir, that the work in the Judicial Departments has been very poor on that day. At Quilon although there are three Judges only one was present and before him was posted a sessions case for trial. The Government pleader and some other pleaders did not come as they were Hindus. On account of this reason the two Judges also could not come. On that day one of the two Munsiffs did not come and the work done in that Court was unsatisfactory. Out of the three Magistrate two absented themselves and the work done by the other Magistrates was very little. So we can more or less imagine the nature of work on special holidays. Invariably all the advocates and presiding officer must belong to a particular community if there is meaning in granting holidays. I think it is better to convert these special holidays into general holidays, If holidays are too large in number some of them may be reduced. Anyhow, granting of special holidays causes a lot of trouble, especially to the Judiciary.

PRESIDENT : How does the honourable member view the curtailment of the vacation ?

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MR. P. NARAYANA PILLAI: There must be an understanding between the members of the Judiciary and the Government before curtailment of vacation is effected. With these words, I commend the motion for the acceptance of the House

MR. N. NARAYANA KURUP: സർ, ഞാൻ സസന്തോഷം ഈ ഉപക്ഷേപത്തോടനുകൂലിക്കുന്നു. അനേക ശതവർഷങ്ങളായി...

MR. PUTHUPALLY S. KRISHNA PILLAI: Sir, I rise to a point of order. Sir, paragraph 59 of the Assembly Manual states thus—

"The business of the Legislature shall be transacted in English, provided that the President may permit any member to address the Chamber in Malayalam or Tamil."

PRESIDENT: Consistently with the rulings in the Regulation that are at present in force it would be necessary for the honourable member who desires to travel in the realms of languages which are not usual with him to ask my permission to do that.

MR. S. NARAYANA PILLAI: Is it open to the Legal Remembrancer to raise a point of order with regard to this?

PRESIDENT: No. But as the custodian of the legal safety and salubrity of the House he shall do so Does the honourable member want my permission to speak in Malayalam?

MR. N. NARAYANA KURUP: Yes, Sir.

PRESIDENT: Permission granted.

MR. N. NARAYANA KURUP: അനേകശതവർഷങ്ങളായി, അനേക തലമുറകളായി തിരുവിതാംകൂർരാജ്യത്ത് പൊതു ഒഴിവു ദിവസങ്ങളല്ലാതെ സാമുദായിക ഒഴിവുദിവസങ്ങളും ഉണ്ടായിരുന്നതായി ഞങ്ങൾക്കാർക്കും അറിവില്ല എന്നാൽ കുറഞ്ഞൊരുകാലത്തിനുള്ളിൽ നമ്മുടെ ഗവണ്മെൻറ് സാമുദായികഒഴിവു്, പൊതുഒഴിവു് എന്നിങ്ങനെ ഒഴിവു ദിവസങ്ങളെ രണ്ടായി തരംതിരിച്ചു് ഒരു പട്ടിക തയ്യാറാക്കി നടപ്പിൽ വരുത്തിയതായി കാണുന്നു. ഇങ്ങനെ വിഭജനം നടത്തിയതിന്റെ ഉദ്ദേശം എന്തുതന്നെ ആയിരുന്നാലും അതുകൊണ്ടു് പല ദോഷങ്ങളും പല ഉപദ്രവങ്ങളും ഉണ്ടായിട്ടുള്ളതായി കാണുന്നുണ്ടു്. ഈ സാമുദായിക ഒഴിവു ദിവസങ്ങൾ ഏതൊരു ഉദ്ദേശത്തോടുകൂടി ഗവണ്മെൻറ് സൃഷ്ടിച്ചുവോ ആ ഉദ്ദേശം സഫലമായോ വിഫലമായോ എന്നുള്ളതിനെപ്പറ്റി ചിന്തിക്കേണ്ടതു് ഏറ്റവും അത്യാവശ്യമാകുന്നു. ഉദ്യോഗവിതരണം സാമുദായികമായും ജനസംഖ്യാനുപാതികമായും നടത്തണം എന്നു് വാദിച്ചുകൊണ്ടിരുന്ന സമുദായങ്ങൾ ആ കാലത്തൊന്നും ഒഴിവുദിവസങ്ങൾ സാമുദായികമായി വീതിച്ചെടുക്കണമെന്നോ ജനസംഖ്യാനുപാതികമായി കിട്ടണമെന്നോ ആവശ്യപ്പെട്ടതായി നാം അറിയുന്നില്ല. അങ്ങിനെയിരിക്കെ ഗവണ്മെൻറിൽനിന്നു് ഈ ഒഴിവുദിവസങ്ങളെ എന്തു ഉദ്ദേശത്തോടുകൂടി

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ഇങ്ങനെ വിഭജിച്ചുവോ ആ ഉദ്ദേശങ്ങളിൽ ചില തെറ്റുകൾ പറ്റി പ്പോയി എന്നേയുള്ളൂ. ഇതിനേപ്പറ്റി ഒന്നുകൂടി ആലോചിച്ച് ഗവ ണ്മെൻറിൽനിന്നും ചില നിർദ്ദേശങ്ങൾ ഉണ്ടാക്കണം എന്നുള്ളതാണ് എന്റെ അഭിപ്രായം.

സർ, സാമുദായിക ഒഴിവുദിവസം അനുവദിച്ചുകൊണ്ട് ജൂഡി ഷ്യൽ കോടതികളിൽ ജോലി എത്രമാത്രം നടക്കുന്നുണ്ട് എന്നുള്ളതിനെ സംബന്ധിച്ച് ആലപ്പുഴയിലെ ജൂഡിഷ്യൽ കോടതികളിലെ പ്രവർത്ത നത്തെ ഉദ്ധരിച്ച് രണ്ടു വാക്കു പറയാമെന്ന് ഞാൻ വിചാരിക്കുന്നു. കഴിഞ്ഞ മിഥുനം 24-ാം- ഒരു തൈക്കവഴിവു ദിവസമായിരുന്നു. ആ ദിവസം ആലപ്പുഴയിൽ രണ്ടു തൈക്കവന്യായാധിപന്മാരും രണ്ടു കൈസ്തവന്യായാധിപരും ഉണ്ടായിരുന്നു. ജില്ലാക്കോടതി ഒന്നാംബ ഞ്ചിൽ ശിരസ്തദാരും മൂന്നോ നാലോ ക്ലാർക്കന്മാരും ഏതാനും ശിപായി മാരും ഉണ്ടായിരുന്നു. അവിടെ അന്ന് യാതൊരു ജോലിയും നടന്നി ട്ടില്ല എന്ന് എനിക്കു ധൈര്യമായി പറയുവാൻ കഴിയും. രണ്ടാംബ ഞ്ചിൽ ന്യായാധിപനും ഡിക്രി എഴുതുന്ന ഗുമസ്തനും മാത്രമേ ഉണ്ടായിരു ന്നൊള്ളൂ.

PRESIDENT : This will give a great chance for juniors.

MR. N. NARAYANA KURUP : ഏതെങ്കിലും ജോലി ആ കോടതി കളിൽനടന്നെങ്കിലല്ലാതെ ജൂനിയേഴ്സിനു അവസരം കിട്ടുകയില്ല.

PRESIDENT: According to the rulings the honourable member is entitled only to five minutes. So I would ask the honourable member to conclude his remarks soon.

MR. N. NARAYANA KURUP : പ്രിൻസിപ്പാൾകോടതിയിൽ ന്യായാധി പതിയും രണ്ടു ഗുമസ്ഥന്മാരും നാലോ അഞ്ചോ ശിപായിമാരും മാത്രമു ണ്ടായിരുന്നു. അഡീഷണൽകോടതിയിൽ ഒരു ശിപായിഒഴിച്ച് ബാക്കി എല്ലാവരും അവധി ഉപയോഗിച്ച് വീട്ടിൽഇരുന്നു. ഇങ്ങനെ ജോലി ക്രമത്തിൽ നടത്തണമെന്നുള്ള വിചാരത്തിൽ സാമുദായികഒഴിവു നൽകിയ തിന്റെ ഫലം ജോലി ക്രമത്തിൽ നടക്കുന്നില്ലെന്നു മാത്രമല്ല അനാവശ്യ മായി മറ്റുള്ളവർ ബുദ്ധിമുട്ടുകയും ചെയ്യുന്നു. ഇതുപോലെതന്നെ കേസു വിചാരണവയ്ക്കുന്നതിൽ പല വൈഷമ്യങ്ങളും ഉണ്ട്. കേസിലെ കക്ഷി കളും, വ്യവഹരിക്കുന്ന അഡ്വക്കേറ്റ്സ്, ന്യായാധിപന്മാർ, വാസ്തരിക്കേ ണ്ടസാക്ഷികളും ഇവരുടെ ജാതിതിരിച്ച് ആക്കം ഒഴിവില്ലാത്ത ദിവസം നോക്കി കേസുവിചാരണക്കു വയ്ക്കേണ്ടിയിരിക്കുന്നു. സാക്ഷിപ്പട്ടികകൊ ടുക്കുന്നപക്ഷം ഓരോ ആളും ഏതേതു ജാതിയിൽ പെട്ടവരാണെന്നറി യാതെ കേസുവിചാരണക്കുവച്ചാൽ ചിലപ്പോൾ സാക്ഷികളും ഹാജരാ

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[Mr. N. Narayana Kurup.]

യില്ല എന്നു വന്നേയ്ക്കും. കക്ഷിക്ക് പണനഷ്ടവും ഉണ്ടാകാം. ഇങ്ങനെ ഉദാഹരണം പറയുന്നപക്ഷം ധാരാളംഉണ്ടാകും. സാമുദായിക ഒഴിവുകൾ നിമിത്തം പൊതുജനങ്ങൾക്കുണ്ടാകുന്ന തടസ്ഥത്തെയും വൈഷമ്യങ്ങളേയും പരിഗണിച്ചു ഗവണ്മെൻറിൽനിന്ന് ഈ നയത്തിനു ഒരു മാറ്റം വരുത്തുന്നതിനുള്ള അപേക്ഷയോടുകൂടി ഞാൻ ഈ ഉപക്ഷേപത്തെ പിൻതാങ്ങിക്കൊള്ളുന്നു.

MR. M. SIVATHANU PILLAI : Sir. எனக்கும் முதலில் தமிழில் பேச அநுமதி கொடுக்க வேணும். தந்ததாக விசாரித்துக் கொண்டு நான் தமிழில் பேசலாமென்று நினைக்கிறன்.

PRESIDENT : அப்படி தந்ததாக விசாரித்துக் கொண்டு மெம்பர் இங்கிலீஷில் பேசவேண்டும். Though permission could be given to speak in Tamil I would advise the honourable member to speak his usual language so that the force of comparative illustrations may not be lost by a large number of people speaking in different languages.

MR. M. SIVATHANU PILLAI : Yes, Sir ; I implicitly obey the Chair and I propose to speak in my usual language. Sir, what I want to point out in regard to this question is this. The difficulty of observing special holidays with reference to the working of the Judicial Department has been dealt with by more than one honourable member of this House. I have only, in this connection, to draw the attention of this House and the Government to the disregard shown by the Judicial Officers to the Government order sanctioning special holidays. The other day when the Chief Secretary told me, in answer to my interruption whether the officers could disobey Government order sanctioning special holidays, that their orders were intended to be strictly obeyed. I invited his attention to the fact that in Nagercoil on the 32nd of last month which was a special holiday for the Hindus the presiding officer of the District Munsiff's Court behaved in a manner which was insulting to the Hindus of that place. On that day most of the Hindu Vakils and staff were not present in the Court. And this officer as usual took up the cases where the Hindus had to appear as vakils or as parties. In three or four cases he gave exparte decisions. The Chair remarked the other day that not much harm can be done by this as appeals lie elsewhere, with regard to the decisions of these cases. But what I ask is why should not the Munsiff be asked to obey the Government order. But, later on finding that it would be a dangerous procedure to continue further, he stopped taking up further cases.

MR. T. C. KESAVA PILLAI : May I know the name of the District Munsiff ?

MR. M. SIVATHANU PILLAI : Mr. Cheriyan. Sir, I ask seriously why should the Government stick on to the special holidays if their subordinates disregard their orders with regard to that. I support this motion only to bring this fact before the House, and I hope the Government will immediately look into this case and see whether disciplinary action could not be taken up at once against that Munsiff.

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MR. P SIVARAMA PILLAI: Sir, in this connection I would like to draw the attention of this House to the difficulties caused to the Judicial Offices at Kottayam. In the Kottayam District Court three of the Judges are Hindus and one is a Christian. On that particular day *i. .e*, 32nd of last month, all the Hindu Judges and advocates were absent from the court, and though I was not expected to be present I went over there to see how things went on. Even in the Court over which a Christian Judge was presiding very little work was turned out for either the Hindu Advocates or Parties were absent in every case that was taken up. It is obvious that it defeats the very object with which special holidays were granted. Therefore my submission is that these special holidays should be converted into general holidays.

PRESIDENT: I would ask the honourable member to make a suggestion. In this discussion let it be borne in mind that the Government's view has been that the holidays are too many here. At the same time Government find a large number of members from various communities expressing their desire that the holidays or holy days on which they take some rest should be declared as special holidays for the communities concerned. Therefore, as a kind of compromise this has been arrived at. If the honourable members want a change, I should indeed be glad if they could make any constructive suggestion by which the Government could meet the wishes of the public.

MR. P. SIVARAMA PILLAI: If Government are convinced of the fact that there are more holidays than necessary I would not object to the curtailment of mid-summer holidays by a few days or even weeks.

MR. C. JEBAMONY NADAR: Sir, I oppose the motion. Government officers are paid for doing work. But it is very reasonable that they should not be asked to work on days on which they are bound to perform certain religious functions in accordance with the tenets of the religion which they profess, they being days which should be spent for religious purpose and, as such, it is very reasonable that they should not be compelled to work for the State. But does that rule apply to others who profess other religions? Simply because, say, one officer in a particular office belongs to the Christian community and that on a particular day he is entitled to have a holiday on religious grounds, does it mean that all others in that office should not do their usual work? Let us take the case of a court where the officer is a Hindu. Now under the present rules he has, as a Hindu, certain special holidays. There might be non-Hindu subordinates in that court, i. e., persons belonging to other religious groups. There may be Muslims or Christians. Why should they not attend office on that day? I do not see any reason why the whole staff should remain idle simply because the presiding officer avails himself of a special holiday. Why should the whole office be closed? That means misuse or waste of public money, I mean, paying public money for not doing work. We are objecting to this perhaps because it is a system newly introduced. If we become accustomed to it, I think there will be no difficulty; and once we adjust ourselves, there will be absolutely no uneasiness.

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MR. M. SIVATHANU PILLAI: Why should the Hindus and Mohamedans not be permitted to work on Christmas holidays.

MR. C. JEBAMONY NADAR: I do not think that question arises in this connection.

MR. M. R. NARAYANA PILLAI: Sir, at the risk of the long vacation being cut short, I wish to suggest that it is absolutely necessary that these special holidays should be abolished, and declared general holidays at least for the Judicial Department.

MR. P. KUNJUKRISHNAN: Sir, I support the motion. Some time ago, the question of special holidays was moved in this House by means of a motion, and at that time, it was brought to the notice of the Chair that the Samadhi day of His Holiness Sri Narayana Guru may be declared as a special holiday, along with other suggestions. The Dewan President then announced that that matter will be considered and I have great pleasure to refer, in this connection, to the fact that the Samadhi day of His Holiness has been announced to be a public holiday. I may be permitted to avail myself of this opportunity to express the deep sense of gratitude that the Ezhava community feels to the Government of His Highness the Maharaja in their solicitude for permitting the Samadhi day of the spiritual head of the community to be used as a public holiday.

Sir, speaking about the motion at hand, I agree to all the sentiments that have been expressed by my predecessors who have supported the motion. As personal experience has proved, I would bring to the notice of the Chair that great hardship is caused in Quilon courts on account of the grant of these special holidays. I cannot agree with what Mr. Jebamony Nadar had said. I can only say that the practice of still continuing some days as special holidays brings much unnecessary inconvenience and trouble to the public and the office alike. Sir, on the 32nd Mithunam this year, the two Christian Presiding Officers in the Quilon Courts had practically to sit quiet because of the absence of the clients whose cases were posted in those Benches. The difficulty was augumented further because there were no clerks to carry on the day's proceedings. Practically, the whole work was at a standstill. To my mind it seems that that day has turned out to be a working day with no possible utility. I would draw the attention of this honourable House to this fact that the special holidays now in existence may be converted into general holidays. I have no objection if some days of the Midsummer recess are taken for the purpose of making the other holidays public holidays

MR. C. JEBAMONY NADAR: What about other officers and Heads of Departments?

MR. P. KUNJUKRISHNAN: My suggestion is particularly with reference to the Judicial Department. We are at the Judicial Department and therefore I spoke of the Presiding Officers there.

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MR. P. S. MAHOMED : സർ, തിരുവിതാംകൂറിൽ ഇന്നു നിലവിലിരിക്കുന്ന ഒഴിവുദിവസങ്ങൾ ഓരോന്നായി എടുത്തുനോക്കിയാൽ അവ മൂന്നു തരത്തിൽ വിഭജിച്ചിരിക്കുന്നതായി കാണാം. അതായത് ഹൈന്ദവ ഒഴിവുദിവസങ്ങൾ, ക്രൈസ്തവ ഒഴിവുദിവസങ്ങൾ, മഹമ്മദീയ ഒഴിവുദിവസങ്ങൾ ഇങ്ങനെ മൂന്നുതരത്തിലാണ്. ഇങ്ങനെ വിഭജിച്ചുകൊണ്ട് ഗവണ്മെൻറു ചെയ്തിട്ടുള്ള ക്ലാസിഫിക്കേഷനിൽ ഹിന്ദുക്കളുടേയും ക്രസ്ത്യാനികളുടേയും മുസ്ലിമങ്ങളുടേയും പ്രധാനപ്പെട്ട ഒഴിവുദിവസങ്ങളെ കണക്കാക്കി ഏറ്റവും പ്രധാനപ്പെട്ടവയെ പൊതുഒഴിവുദിവസങ്ങളായും അതിൽനിന്നും സ്വല്പം അപ്രധാനമായിട്ടുള്ളവയെ സ്പെഷ്യൽ ഹോളിഡേസ് ആയിട്ടും തരംതിരിക്കയാണ് ചെയ്തിട്ടുള്ളത്. ഇപ്പോൾ വന്നിട്ടുള്ള വിഷമങ്ങളെ പരിഹരിക്കത്തക്ക നിലയിൽ ഏതെങ്കിലും ഒരു മാർഗ്ഗം നിർദ്ദേശിക്കുന്നതു് നന്നായിരിക്കും. എല്ലാ സമുദായക്കാരുടേയും എല്ലാ ഒഴിവുദിവസങ്ങളും പൊതു ഒഴിവുദിവസങ്ങളാക്കാൻ ഗവണ്മെൻറിനു സാദ്ധ്യമല്ല. ഇവിടെ ഉദ്യോഗത്തിൽ അധികം പ്രാമാണ്യത്തിലിരിക്കുന്ന സമുദായം ഹൈന്ദവസമുദായമാണ്. അവരുടെ ഒഴിവുദിവസങ്ങൾ പൊതു ഒഴിവുദിവസങ്ങളാക്കുകയും മറ്റുള്ള സമുദായക്കാരുടെ ഒഴിവുദിവസങ്ങളിൽ ഒരുഭാഗം പൊതുഒഴിവുദിവസങ്ങളായും മറ്റൊരുഭാഗം സ്പെഷ്യൽ ഒഴിവുദിവസങ്ങളായുംവ്യവസ്ഥചെയ്യുകയും ചെയ്താൽ ഇവിടെചൂണ്ടിക്കാണിക്കപ്പെട്ടിട്ടുള്ള വിഷമങ്ങൾക്കു ഒരു പരിഹാരം ഉണ്ടാകുമെന്നുവിശ്വസിക്കാം. ഈ സന്ദർഭത്തിൽ ഒരു സംഗതി ഈ സഭയുടെ ദൃഷ്ടിയിൽ കൊണ്ടുവരണമെന്നു ഞാൻ വിചാരിക്കുന്നു. എന്റെ സ്നേഹിതനായ ബഹുമാനപ്പെട്ട ഒരു മെമ്പർ ശ്രീനാരായണഗുരുസ്വാമിദിവസം ഒഴിവാക്കിയതിൽ വളരെ സന്തോഷിച്ചു. എനിക്കും അതിൽ സന്തോഷമേ ഉള്ളൂ. എന്നാൽ ഇങ്ങനെ ഒരു ഒഴിവു നൽകുന്നതിനു മുസലീംങ്ങളുടെ ഗുരുശ്രേഷ്ഠന്റെ ജന്മദിവസത്തെ ഗവണ്മെൻറു നഷ്ടപ്പെടുത്തിയിരിക്കുന്നു എന്നുള്ള സംഗതി വളരെ മനസ്താപത്തോടുകൂടി പ്രസ്താവിക്കേണ്ടിയിരിക്കുന്നു.

MR. M. SIVATHANU PILLAI: : അതേതു ദിവസമാണ്?

MR. P. S MAHOMED : പ്രൊഫറ്റ് ഡേ.

MR. G. VELU PILLAI : Sir, the fact that the system of granting special holidays to the Judicial Department creates a lot of trouble needs no lengthy argument. I would suggest that all special holidays be converted into general holidays and instead of that the policy of increasing the working hours of all working days by half an hour or proportionate to the working hours lost by the grant of these general holidays, adopted. I am not in favour of curtailing the midsummer holidays in any way. I hope this will be a practical suggestion.

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MR. K. R. NARAYANAN : സർ, ഞാൻ ഈ ഉപക്ഷേപത്തെ അനുകൂലിക്കുന്നു. പല ജാതികളായി, പല സമുദായങ്ങളായി പിരിഞ്ഞിരിക്കുന്ന ഈ തിരുവിതാംകൂറിൽ ജാതിയുടേയും സമുദായത്തിന്റേയുംപേരിൽ ഒഴിവുദിവസങ്ങൾ കൊടുക്കുകയാണെങ്കിൽ യാതൊരു കാര്യങ്ങളും നടക്കുകയില്ല എന്നു എന്റെ വക്കീൽ സ്നേഹിതന്മാർ പറയുകയുണ്ടായി. അനുഭവം അങ്ങനെതന്നെ ആകുന്നു. അതുകൊണ്ട് ജാതിയുടേയും സമുദായത്തിന്റേയും പേരിൽ ഒഴിവുദിവസങ്ങൾ കൊടുത്തു കുഴപ്പം ഉണ്ടാക്കുന്നതു് ശരിയായിട്ടുള്ളതല്ല.

ഇന്നത്തെ വ്യവസ്ഥയ്ക്കു സമുദായബുദ്ധിയേയും ജാതിബുദ്ധിയേയും താങ്ങുന്ന എല്ലാ പ്രശ്നങ്ങളേയും എതിർക്കേണ്ടതു് ഗവണ്മെന്റിന്റെ ചുമതലയായിരിക്കെ അതിനു സൌകര്യം ഉണ്ടാക്കാൻ പുതിയ പഴുതുകൾ ഉറപ്പുകൊടുക്കുന്നതു് തീർച്ചയായും അനാവശ്യമാകുന്നു. ഇന്നു നമ്മുടെ പുരോഗതിക്കു ഏറ്റവും പ്രതിബന്ധമായി നിൽക്കുന്നതു് സാമുദായികവ്യത്യാസവും ജാതിവ്യത്യാസവുമാണു്. കിട്ടുന്ന എല്ലാ സന്ദർഭങ്ങളും ഉപയോഗിച്ചു് സമുദായവ്യത്യാസത്തിന്റേയും ജാതിവ്യത്യാസത്തിന്റേയും അസ്ഥിവാരം തകർക്കാൻ ചുമതലപ്പെട്ട നാം പത്തായങ്ങൾ ഉണ്ടാക്കി ജാതിയേയും സമുദായത്തേയും നിറച്ചുവയ്ക്കുന്നതു് ശരിയായിട്ടുള്ളതല്ല. അത്ഥശൂന്യമായ ജാതി, മതവിരുദ്ധമായ ജാതി, ഭാരതാംബയുടെ സംസ്കാരത്തെ കളങ്ക പങ്കിലമാക്കിയ ജാതിയെ ഇവിടെനിന്നു മാറാൻ എന്തെല്ലാംകഴിയുമോ അതെല്ലാം ചെയ്യേണ്ടതു നമ്മുടെ ഓരോരുത്തരുടേയും ചുമതലയായതുകൊണ്ടു ആ വീക്ഷണകോണിൽക്കൂടി ജാതിയേയും സമുദായത്തേയും താങ്ങുന്ന ഒഴിവുദിവസങ്ങളെ ഞാൻ എതിർക്കുകയും ഈ ഉപക്ഷേപത്തെ പിൻതാങ്ങുകയും ചെയ്തുകൊള്ളുന്നു.

MR. KAINIKKARA M. PADMANABHA PILLAI : Sir, I have not much to say. My suggestion is simple. I would suggest that all special holidays should be stopped and officers, if necessary, should be allowed to take special casual leave. For example, ten days of special leave may be given for every Government officer to be used for religious purposes. Then there will be no distinction between communities and no question of caste.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI : May I know from the member whether casual leave is intended only for Government officers or whether they are intended for the general public as well.

MR. KAINIKKARA M. PADMANABHA PILLAI : They are only for Government officers.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI : May I know from the member how members of a particular community will find it inconvenient to attend courts etc. on such days ?

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MR. KAINIKKARA M. PADMANABHA PILLAI: Even now casual leave is enjoyed only by Government officers. The same thing will continue.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: May I know from the member whether the particular officer taking casual leave does so for his convenience or whether it is for the convenience of the public?

MR. KAINIKKARA M. PADMANABHA PILLAI: For his convenience of course.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: Is that the nature of the holiday given by Government for particular communities?

MR. KAINIKKARA M. PADMANABHA PILLAI: What I want is that it should be stopped. That is my purpose. There should be no distinction or preference given to any caste. If the public can conduct their business during the day when the officer is taking casual leave now why can they not do so when the particular officer takes leave on some special consideration? Now 14 days are given, let them have 21 days' casual leave.

MR. M. R. NARAYANA PILLAI: May I know from the member how the present difficulty in the case of the Judicial Department can be obviated?

MR. KAINIKKARA M. PADMANABHA PILLAI: When a special holiday is given a number of officers will be simultaneously absent on a particular day. On the contrary if casual leave is given the officer concerned may take it or not.

MR. M. R. NARAYANA PILLAI: Supposing all the officers take casual leave on that day, how can work go on?

MR. KAINIKKARA M. PADMANABHA PILLAI: Work will go on as if ordinarily all the officers take casual leave.

MR. P. SIVARAMA PILLAI: How can the public know what holidays will be availed of by the officers?

MR. KAINIKKARA M. PADMANABHA PILLAI: If a member of the public feels inconvenience then he has as much provision as now to get over it.

MR. M. SIVATHANU PILLAI: Does the member realise that the purport of taking a holiday cannot be and should not be left to the entire discretion of the officers?

PRESIDENT: What is the use of bombarding Mr. Kainikkara M. Padmanabha Pillai with a number of questions? I may ask the honourable members to put forward their observations in the direct form instead of putting questions.

MR. K. KUNJU PANICKAR: Special leave granted to any major community is of course tantamount to granting general leave, from the standpoint of the experience of the working of the Judical department.

MR. KAINIKKARA M. PADMANABHA PILLAI: May I know what effect it will have on the Education Department?

MR. K. KUNJU PANICKAR: With reference to the Education Department their working day can be very easily adjusted by availing other days such as Saturdays.

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MR. KAINIKKARA M. PADMANABHA PILLAI: How?

MR. K. KUNJU PANICKAR: If a training day is lost the schools may make use of Saturdays to compensate the loss.

MR. KAINIKKARA M. PADMANABHA PILLAI: Supposing in a Government school the majority of the pupils belong to one particular caste or community, how will that school work?

MR. K. KUNJU PANICKAR: They will suffer.

MR. KAINIKKARA M. PADMANABHA PILLAI: So, this is a general question?

MR. K. KUNJU PANICKAR: The inconvenience may also be felt by the Education Department as well.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: Can this difficulty be obviated by reducing the number of midsummer holidays?

MR. K. KUNJU PANICKAR: Surely that is what I am going to submit.

MR. KAINIKKARA M. PADMANABHA PILLAI: Is mid-summer vacation meant for casual purposes? Is there no meaning for vacation during mid-summer?

MR. K. KUNJU PANICKAR: Of course, midsummer vacation varies with departments; some get 40 days, others 60 and some others 30 days.

MR. M. SIVATHANU PILLAI: Is there no meaning in granting special holidays to observe religious purposes? Is there also no meaning in granting public holidays for enabling the people to take rest?

MR. K. KUNJU PANICKAR: Special holidays have greater significance than midsummer vacation. Midsummer vacation is for the purpose of taking a long journey or for taking some continuous rest. With reference to special holidays it is mainly for religious purposes that we get it.

MR. C. JEBAMONY NADAR: Does not midsummer vacation come during hot climates?

MR. K. KUNJU PANICKAR: That has something to do with hot climate also. I beg to point out that we are working in hot climate during the other parts of the year.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: May I know whether midsummer vacation is given to any other department except the Judicial and Education Departments?

MR. K. KUNJU PANICKAR: Only two or three departments are getting midsummer vacations.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: Then may I know whether in the departments in which midsummer vacations are not given work is being done in that season?

MR. K. KUNJU PANICKAR: They are regularly working as in the case of the Magistracy and the Police. So many other departments are also working continuously. So I submit that special holidays which are given mainly on account of their connection with the religion, especially with reference to the major communities, should be made general holidays and these days should be compensated by curtailing the number of midsummer holidays. That is the only convenient method which can be adopted.

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MR. K. G. GOVINDAN: In supporting this motion I have just to make only one observation, regarding the suggestion made by Mr. Kainikkara M. Padmanabha Pillai. He suggested that a certain amount of casual leave be granted to all officers of the State in the Judicial Department. Suppose we take for example a special holiday. On that day suppose the presiding officer is a Christian and he takes casual leave. Then, there will be a lot of difficulty and no work will be done. The special holiday is meant for a particular community and if casual leave is granted that applies only to the presiding officer concerned. This will not remove the difficulty. Therefore the suggestion made by Mr. Kainikkara M. Padmanabha Pillai is not feasible.

MR. K. G. KUNJUKRISHNA PILLAI: I oppose this motion because it is only the wearer who knows where the shoe pinches. The object of a holiday can be best appreciated by those people who work hard and yearn for a day of rest. The holiday is the day in which we mingle with family and friends. It is a day for contemplation, for conversation, for giving sport and enjoyment to one.

MR. M SIVATHANU PILLAI: But not for religion.

MR. K. G. KUNJUKRISHNA PILLAI: When I said contemplation it includes religion as well. So I submit, whether it is a special holiday or a general holiday, it is welcomed by the hardworking. For the lazy one every day is a holiday. So, I place before the House that these special holidays should not be taken away. If we convert all the special holidays into general holidays, as has been pointed out, we are only converting more working days into holidays. But, if special holidays are given, it must be for a particular community for the purpose of religion and really for getting some rest. I do not think there is much inconvenience in carrying on these special holidays. If the officers can give intimation early enough, most cases where Christian friends and Christian members are parties can be conducted and the work can be so adjusted that only such community need be present. Plenty of work can be done and plenty of time can be saved. It may be that in Nagercoil or Quilon all work was at a standstill on a particular occasion. But in the case of the High Court there need be no such standstill. Cases can be carried on by Christian Judges on Hindu special holidays. So, my submission is, apart from the question of a holiday being important, this is not a difficult matter as has been placed before the House.

MR. G. VELU PILLAI: May I know from the member whether any work is done on such days?

MR. K. G. KUNJUKRISHNA PILLAI: As I said, work is being done in the High Court on these days. There was a sitting on such an occasion. I was also present. So, I can testify to it. So far as special holidays are concerned, some amount of earlier calculations and posting of work will avoid all difficulties that will be experienced in the carrying on of the work and it will be to the satisfaction of all concerned. On Christian holidays Hindus and Mahomedans can appear, on Hindu holidays Christians and Mahommedans can appear and on Mahommedan holidays plenty of Hindus and Christians can appear.

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MR. KOTTALIL P. ABRAHAM: May I know from the member how work will go on if the presiding officer is a Christian?

MR. K. G. KUNJUKRISHNA PILLAI: Hindu officers will do work. Suppose the extreme case in which the only officer happens to be a Christian. Even then, there is no difficulty for clerks and all other subordinate officers in carrying on work.

MR. M. SIVATHANU PILLAI: What will the litigant public do on such occasions?

MR. K. G. KUNJUKRISHNA PILLAI: The litigant public can do good work. They can get their copies, copies of documents, prepare their cases and do everything else.

Therefore I am placing for the earnest consideration of the House that there is no reason for the agitation, apart from the fact that on the last day there was some delay or standstill of work in some particular place. That is due to want of proper planning of the work. That can be done and then there can be no difficulty. I submit that instead of reducing the holidays we must try the system and see whether the officers cannot so manage the work that those people who come to the court on the special holidays are able to transact business. If after trying the system for some time it is found to be unsatisfactory, then it will be time for us to agitate. The holidays are valuable for the people who work hard. With these observations I oppose the motion.

MR. KOTTALIL P. ABRAHAM: Sir, I wish to make a statement regarding my experience of the work turned out in the judicial courts in Parur on a special holiday for Hindus. The 32nd of last month, Mithunom, was a special holiday for Hindus throughout the State. In Parur on that day the District Judge and the District Munsiff both happened to be Hindus and on that special holiday for their community they did not attend the courts and practically no work was done on that day in those two courts. The majority of the staff also happened to be Hindus and they too did not come to court. There were present two Christians, one clerk and one copyist, in the District Court and a Christian clerk and a Christian peon in the Munsiff's Court. The doors also were all kept open. But no parties went to the courts, no advocate attended the courts and practically no work was done on that day, because both the presiding officers happened to be absent as Hindus to whom the special holiday was a privilege granted. For the same reason, the majority of the staff also happened to be absent. I state this only as an instance to show that practically no work could be done if we adopt the special holidays under the present circumstances. The idea behind the granting of the special holidays was to extract as much work as possible from all the judicial courts making the officers and people outside the scope of those special holidays to work. But in practice what we find is that no such desired result is ever practicable or achieved.

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Several remedies were suggested here by my predecessors. My view is that the number of the special holidays may be reduced, retaining the most appropriate and necessary ones. Those holidays need not be special holidays; they should be converted into general holidays available for all communities alike. If, in doing so, the general working days are found unreasonably reduced in number, the hours of work on each working day should be enhanced to healthy limits. Otherwise, there will be no purpose served by granting the so-called special holidays. The Government could gain nothing from retaining these holidays as special and particular to any specified community. The expected result as regards work on these holidays cannot be achieved in practice.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, this was a question which was engaging the attention of Government for some time and the present G. O. declaring 22 days as general holidays and 21 days as special holidays was issued as a result of the various representations made by the public to Government.

Honourable members will also remember the discussion we had and the questions honourable members put regarding the first order concerning the holidays that were in existence some time back. It was found necessary to restore a few of these holidays which were cancelled then; but in the interests of efficiency and in the hope that Government would be able to have better work turned out by their officers, this order was passed.

It was suggested that the Judicial Department must be treated on a separate footing from the other departments and that these special holidays may be declared as general holidays for the Judicial Department alone, taking away a corresponding number of days from the midsummer vacation. There is one great difficulty which members have not taken into account. The Judicial officers are not at present entitled to full pay privilege leave. On the other hand, officers employed in all other departments, excepting the Education Department, are entitled to full pay privilege leave for the simple reason that no midsummer holiday is granted to them; and eleven months' work brings to their credit 30 days' leave on full pay. If, as a result of this, Government are to take away a corresponding number of days from the midsummer vacation, the claims of the members of the Judicial Department will have to be settled on a different basis.

MR. M. R. NARAYANA PILLAI: Is it not the practice for the Judges of the High Court and other judges to take full pay privilege leave?

MR. PUTHUPALLI S. KRISHNA PILLAI: Yes; carrying on inspection work during a particular period, brings to their credit a few days' leave on full pay.

Therefore, to declare the special holidays as general holidays for the Judicial Department in the hope of depriving them of a few days from the midsummer vacation would be beset with more difficult problems.

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[Mr. Puthupalli S. Krishna Pillai.]

Anyway, the difficulties pointed out by several honourable members are matters which would engage the attention of Government. There is only one important fact which Government would desire to emphasise. Work in courts is not confined to the work done by clerks engaged in the offices. The major and an important portion of the work is done in open court, where the Judicial Officers, the vakils and the litigant public have to assemble. The complaint about laws' delay is becoming more and more acute and it is necessary that additional work must be turned out by the judiciary. We must remember that this scheme was adopted or proposed to be adopted for the benefit of the public themselves, and if the public are writing to transact business in court on such days, there will be so much of work turned out on that day. I do not understand, Sir, how or why there was not a single Hindu who was prepared to transact business in court on the 31st of Mithunam. Members complain, that Christian Judges showed no mercy to Hindu litigants and their vakils who did not attend court on that day. Government have to give recognition to the religious feelings of the majority of the officers employed in Government service. But I believe, and it is also the impression of Government, that a good many of the public will certainly have no objection to transact their business in court on the special holidays. They could, after attending to their religious observances, have no objection to attend to work on such days. In such cases Government wanted to give a trial and see whether any section of the groups to which special holidays have been given would be prepared to attend court on such days. If it will be possible for the public to convince Government that in spite of the religious observances they have to carry on that day, they are able to transact business in court, it will be then time for Government to think whether they ought not to insist on Government officers themselves to follow the lead taken by the public in the matter. Government have absolutely no idea of making any differentiation between communities and communities, or between castes and castes or between religions and religions; but Government are anxious to get the full value of the money that they are spending every month on their officers. If it is realised that it is money taken from the public, if it is realised that it is for the public benefit and public interest that Government have thought of reducing the large number of holidays, the public will realise what the real intentions of Government are in regard to this matter. Some honourable members said that the day should come when the difference between caste and caste is abolished, when the difference between community and community is done away with, and when one religion should blend with another, so that the whole of Travancore can be said to be under one religion, one feeling and one thought. Government are certainly not against such an idea. Government will be very willing to back up any such move. But they want to have the full worth of the money that they spend for the benefit of the public. The only question is whether the public will co-operate with Government, in their endeavours.

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PRESIDENT : Order, order. Can you tell me the number of general holidays in other places, say, in Madras ?

MR. M. K. NILAKANTA AIYAR : I will just look into it, Sir.

MR. PUTHUPALLI S. KRISHNA PILLAI : I may say that the last time this matter was discussed it was stated that the number of holidays in the British Indian Provinces would not be even half of what we were getting here. The number of holidays there is considerably less.

MR. G. VELU PILLAI : May I know whether the honourable member refers to the judicial holidays in British India ?

MR. PUTHUPALLI S. KRISHNA PILLAI : No, Sir. I refer to the general public holidays.

I have already said what the idea of Government is in the matter. If honourable members are able to offer their own suggestions, they are quite welcome and those suggestions will be considered by Government. Government are at one with the public in this matter that if one hundred rupees is paid out of the Government treasury as salary for the services rendered by an individual, they must have services which could be valued at Rs. 100. It is with that object that all these orders have been passed.

MR. KOTTALIL P. ABRAHAM : Is it the idea of Government that on special holidays the persons for whose benefit they are granted should come and work ?

MR. PUTHUPALLI S. KRISHNA PILLAI : It is the idea of Government that those who do not want the holidays must be prepared to work for the salary which they receive. There is no doubt about that.

MR. P. NARAYANA PILLAI : What is the member's opinion regarding the proposal for increasing the number of working hours in Courts ?

MR. PUTHUPALLI S. KRISHNA PILLAI : In the High Court the working hour has already been increased by half an hour. If it is to be increased still further, I do not know whether that will be well received by the officers.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI : Such a system obtains only in Trivandrum Courts. In the mofussil court, the period of work is from 11 to 5.

MR. PUTHUPALLI S. KRISHNA PILLAI : My submission is that increase in the number of working hours will not be as beneficial as increase in the number of working days. There are very many reasons for it. Even to-day the work in courts practically commences after 12 O' clock even though it is expected to commence at 11 O' clock. There are various contributory causes for this kind of delay. The parties and their pleaders contribute largely to this state of affair. I am afraid that increase in the number of working hours is not likely to bring any corresponding benefit. On the other hand, it is my impression that we would be able to turn out better work if the number of working days is increased. Therefore, I would very much like to hear from the honourable members whether it is the public opinion that these special holidays ought not to be declared as such on religious grounds. If any

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[Mr. Puthupalli S. Krishna Pillai.]

appreciable section of the public are of the view that on religious grounds it is not necessary to declare them as holidays the Government will gladly reconsider the question.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: May I know whether there is any difference between the tolal number of public holidays for the Judicial Department and those for the rest of the departments in British India?

MR. PUTHUPALLI S. KRISHNA PILLAI: I have no information.

PRESIDENT: As there seems to be some strong feeling over this matter, I wish to make certain aspects of the question clear. In view to the complaint that emanated from a Muslim member, I am turning now to the public holidays in Madras. There I find that the general public holidays are Bakrid and Ramzan and the special holidays are Shab-e-Barath, and one more day for Bakrid so far as Muhammadans are concerned. The birthday of the Prophet is not, so far as I can see, given as a general holiday in Madras, nor do I find it in Bombay. It is not declared as a general holiday. The point that I wish to make is this. We have now 22 general holidays, 10 special holidays for Hindus, 10 for Christians and 6 for Muhammadans. Now, comparing this with Madras, we find that there are 21 general holidays and quite a great number of special holidays such as days which are not declared to be public holidays but when all public offices in the Presidency town and in the mofussil will be closed on certain days. The honourable members have to note that this relates to offices and not courts. In the case of mofussil civil courts, certain days are extra holidays. In addition to the holidays notified, sectional holidays are granted to the various communities - to Roman Catholics employed in mofussil civil courts and in the City Civil Court and Court of small causes, Madras, to Malayali Government servants outside Malabar, and to Muhammadans. Further, if any of the Muhammedan sectional holidays notified does not fall on the day notified, Muhammedan Government servants may be granted a sectional holiday on the day it actually falls in lieu of a holiday on the day notified.

So, there seems to be a tremendous list of holidays which somehow seems to work well. I find the same with regard to Bombay. There are the Parsi (Shehenhahi), the Parsi (Kadmi), Muslim (Sunni), Muslim (Shia), Jewish, Jain and Christian holidays recognised by Government for certain months in the year, in addition to the holidays under the general holidays. That is the position.

If, as a matter of fact, there are particular difficulties connected with special holidays in this State, Government are prepared to consider some such proposition as the following:

The general holidays are 22 in number. The Hindus have 10 special holidays, the Christians 10 and the Muslims 6. If there can be an arrangement by which the Hindus will be satisfied with 5 out of 10, the Muslims 3 out of 6 and the Christians 5 out of 10, that is to

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say 13 days, and this is added on to to the general holidays, Government will consider it. That will entirely be a matter of adjustment among the communities and the question is open to discussion. If sometime later I find a general acceptance of that idea—it is for the honourable members to come to an agreement when there will be 30 or 35 general holidays throughout the year, and no special holidays and no question of stopping anybody's work or the advocates not coming or some Munsiff or judge not attending court. This is a matter which I am putting forward for the consideration of the honourable members of this House as well as the other House.

MR. P. NARAYANA PILLAI: On the assurance from the President that the question will be reconsidered, I beg to withdraw the motion.

The motion was by leave, withdrawn.

Motion No. 158

MR. K. NARAYANAPERUMAL NADAR: Sir, I move to reduce the allotment of Rs. 90,700 for High Court by Re. 1.

My object in doing so is to point out leakages of judicial revenue over a wide scale. In the Administration Report of the Department of the Civil Justice for 1114 I find the following: "Government note with concern the discovery of leakages of judicial revenue on a wide scale, and they feel bound to express their dissatisfaction with the supervision exercised by the subordinate judiciary over their establishments in this respect. The High Court are requested to take effective steps to remedy the existing unsatisfactory state of affairs." I cannot call this as an observation but I call it as a criticism, a criticism more drastic than criticisms passed by some non-official members of this House. In answer to an interpellation whether there was any leakage of revenue in the Nagercoil District Court and the Second Judge's Court, the Legal Remembrancer said two days ago that there was a leakage of revenue to the extent of nearly Rs. 1,000. In the process fee the leakage amounts to Rs. 600. Further, it is very clear from the criticism that I read out now, that the establishment clerks are mainly responsible for such leakage of revenue in the subordinate offices. The fact that the lower ranks of the judiciary are corrupt can be best illustrated by tamil slogans, from Court going population.

"கோர்ட்களிலுள்ள தூணும் கைக்கூலிவாங்கும், ஜன்னல்களும் கைக்கூலிவாங்கும், கதவுகளும் கைக்கூலிவாங்கும், மேசையும் கைக்கூலிவாங்கும்".

What they mean thereby is this—that even inanimate things in courts demand bribes and accept bribes. I am told that the clerks in the Nagercoil District Court and Second Judge's Court are corrupt for the chief reason that they are allowed to stay on there for 15 to 20 years at a stretch. If they are transferred to some other parts, I am quite sure, corruption will cease in that court. With the application of the same principle in various courts, corruption can be eradicated to a great extent. Thereby, there will no longer be any leakage of revenue in court fees. With these words, I move my motion for the acceptance of the House.

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MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I oppose the motion. It is for preventing the leakages of revenue that Court Fee Inspectors are appointed. The Administration Report of the Judicial Department, a copy of which has been supplied to the honourable members, contains the figures available for the previous year in reference to this subject. I have been trying to look up the amount of work turned out by these Inspectors in 1115. From the records so far available it is found that at the instance of these officers nearly a sum of Rs. 10,000 has been ordered to be recovered from the parties concerned. Leakages of revenue in the item under "Institution fees" are not due to any oversight on the part of the ministerial head or the staff employed in a particular court. Advocates presenting claims in courts would put forward their case in a particular manner and court fee will be assessed accordingly. The mode of assessment and payment is in the hands of the advocates presenting the plaint. It requires some knowledge of law and experience to controvert it. Some advocates decide in a particular manner for the purpose of assessment for the moment, and answer the deficiency later on. To decide whether any additional fee is to be paid on a particular document it requires some legal knowledge and experience. It is for that purpose that responsible officers holding the post of Munsiffs have been appointed as Court Fee Inspectors. They cannot make mere *ex parte* decisions. The matter has to be reported to the Judge and he has to pass the judicial order. It is not possible for the judge to go through every pleading and ascertain whether a particular claim is properly assessed or not. Ordinarily, what happens is that the opposite vakil will bring the matter to the notice of the Judge and the matter will be disposed of. In some cases the defendant will connive at the plaintiff's account of the matter, because he may have to pay court fee when he appeals against the decision. For the purpose of detecting leakage in revenue, responsible officers of experience have been appointed by Goverment.

It will be found that during the last ten months of 1115 each of them has inspected 14 Courts within his jurisdiction and the period for which the enquiry has been extended covers nearly ten years The leakage of revenue under institution cannot as a rule be attributed to corruption. There is real difficulty in deciding what exactly is the court fee that has to be paid on a particular claim. Cases bearing on such questions very often come to the High Court and there are a large number of decisions bearing on the subject. Therefore, the leakage of revenue is not to be accounted for by corruption.

MR. M. R. NARAYANA PILLAI: If it is not due to corruption, can it be attributed to inefficiency?

MR. PUTHUPALLI S. KRISHNA PILLAI: No, Sir. I ask the question whether the honourable member can say whether full court fee is paid in regard to a particular document. If I am able to convince him that the answer is wrong, what answer should I give? It depends, to a considerable extent, on the experience on legal matters and much training is necessary to find out whether real fraud has been committed.

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MR. K. NARAYANAPERUMAL NADAR: Am 'I to understand that no leakage of revenue can be effected at all?

MR. PUTHUPALLI S. KRISHNA PILLAI: Unless there are experienced officers and some precaution is taken, there is likely to be leakage of some revenue.

MR. M. R. NARAYANA PILLAI: May I know the length of period required if the Court Fee Inspectors are very experienced men?

MR. PUTHUPALLI S. KRISHNA PILLAI: It has absolutely nothing to do with the length or breadth of a man's experience. It depends upon his knowledge and capacity to understand things. It will not be possible to go through every plaint and say that so much court fee shall be paid.

PRESIDENT: While there is a possibility of mistakes as to the proper amount payable from a doubt as to the legal implications, such doubts may also not be *bona fide*.

MR. PUTHUPALLI S. KRISHNA PILLAI: Some vakils and parties may resort to that method. But it ought to be our endeavour to detect such frauds. The question of corruption can only seldom arise. It may be pointed out by the opposite party or by the Munsiff. It may be detected by any clerk concerned. There are ever so many methods of leakage in the Judicial Department and it has been our endeavour to stop such leakage. As I said, leakage cannot be due to corruption. There may be other methods of corrupting the ministerial staff in the Judicial Department, but not this.

It may so happen that instead of paying Rs. 9 as the process fee, that is due on a particular plaint, something less might have been paid. It may take a few days for the staff concerned to ascertain what exactly is the process fee that is due. For instance, if there are four defendants belonging to the same house but living in different pakuthies, the process fee to be paid has to be differently calculated. In the case of one man it may be said, so and so of such and such a house and in the case of the other man, so and so of the same house, but living in some other pakuthi. In some cases the difference in calculation may sometimes escape the notice of the officers concerned. It is for the detection of such cases that these special officers are appointed. I am quite sure that they will do substantial work.

MR. KOTTALIL P. ABRAHAM: May I know whether the Court Fee Inspectors have the power to decide the matter?

MR. PUTHUPALLI S. KRISHNA PILLAI: No, Sir, they have absolutely no right to decide the matter. They only detect the cases and report the matter to the presiding officer.

MR. K. NARAYANAPERUMAL NADAR: Sir, I beg to withdraw the motion.

The motion was, by leave, withdrawn.

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Motion No. 159.

The following motion was not moved :—

MR. P. S. MUHAMED :

159. "To omit the allotment of Rs. 90,700 for High Court.'

Motion No. 160.

MR. VARKALA K. MADHAVAN : Sir, I beg to move the following motion :—

To reduce the allotment of Rs. 90,700 for High Court by Rs. 10.

My object in moving this motion is to point out the necessity for granting a small vehicle allowance, say Rs. 5, to the Judges of the Panchayat Courts. On certain days, sittings are postponed due to insufficient number of Judges, to make up the quorum. The main reason for the absence of the Judges is want of any vehicle allowance. So, my suggestion is that, if a small vehicle allowance is allowed, it will add to the diginity of the Judges and also help more work to be turned out.

MR. P. S. MUHAMED : ഈ ഉപക്ഷേപത്തെ ഞാൻ എതിർക്കുന്നു.

എഫിഷ്യൻസി ഉണ്ടാക്കുന്നതിനുവേണ്ടി ഈ മോഷൻ കൊണ്ടു വന്നിരിക്കുന്നു എന്നാണ് ഇതിൽനിന്നും ഞാൻ മനസ്സിലാക്കുന്നതു്. ബഹുമാനപ്പെട്ട മെമ്പറിന്റെ പ്രസംഗത്തിൽ പഞ്ചായത്തു ജഡ്ജിമാക്ക് വെഹിക്കിൾ അലവൻസു കൊടുത്താൽ അതു എഫിഷ്യൻസിയെ ഇംപ്രൂവുചെയ്യുമെന്നും കൂടുതൽ യോഗ്യതയുള്ള ആളുകളെ പഞ്ചായത്തു ജഡ്ജിമാരായി ലഭിക്കുമെന്നും അദ്ദേഹം ഉദ്ദേശിക്കുന്നുണ്ട്. നിസ്സാരമായ വെഹിക്കിൾ ചിലവുസഹിക്കാൻ നിവൃത്തിയില്ലാത്ത ഒരാളെ എഫിഷ്യൻസിക്കുവേണ്ടി പഞ്ചായത്തുജഡ്ജിയായി നിയമിച്ചാൽ അതുനിമിത്തം പല കഴപ്പുങ്ങളും ഉണ്ടാകുന്നതാണ്. മാസം അഞ്ചു രൂപ ചെലവാക്കാൻ സാധിക്കാത്ത ഒരാളെ അതിലേക്കു പിടിച്ചുവച്ചാൽ എഫിഷ്യൻസിയെക്കാൾ കൂടുതലായ പല വിഷമങ്ങളും ഉണ്ടാകുന്നതിനു കാരണമായിത്തീരുന്നതാണ്. എന്നാൽ ഒരു പഞ്ചായത്തു ജഡ്ജിക്കു വെഹിക്കിൾ അലവൻസു അനുവദിച്ചുകൊടുക്കുന്നതിൽ എനിക്കു വിരോധമില്ല. പക്ഷെ അതു സാധിക്കുന്ന ഒരു കാര്യമല്ല. പത്തോ നൂറോ രൂപ കൊടുത്തു ഒരു പഞ്ചായത്തുജഡ്ജിയെ നിയമിക്കുകയാണെങ്കിൽ അതിലേക്കു ഫുൾടൈം ജോലി ചെയ്യുന്ന ഒരു ഉദ്യോഗസ്ഥനെ ഗവണ്മെന്റിനു നിയമിക്കാവുന്നതാണ്. അതു ഇനത്തിൽ ആദായം ഉണ്ടാകണമെന്നും ജനങ്ങളുമായി സഹകരിച്ചു നീതിന്യായഭരണം നടത്തണമെന്നും ഉദ്ദേശിച്ചാണു പഞ്ചായത്തുകോടതികം ഏർപ്പെടുത്തിയിട്ടുള്ളതു്. അതുകൊണ്ടു് ഈ വിഷയത്തിൽ കൂടുതൽ ചെലവു് ഉണ്ടാകത്തക്കവിധത്തിലുള്ള വ്യവസ്ഥകൾ ഉണ്ടാക്കാൻ പാടുള്ളതല്ല. അതിനാൽ ഈ ഉപക്ഷേപത്തെ ഞാൻ എതിർക്കുന്നു.

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MR. A. K. KUMARAN VAIDYAN : സർ, ഈ ഉപക്ഷേപത്തെ ഞാനും എതിർക്കുന്നു. ഇതിനെക്കുറിച്ചു രണ്ടുവാക്കു പറയാതിരിക്കുവാൻ നിവൃത്തിയില്ല. തിരുവിതാംകൂറിലെ പഞ്ചായത്തുകോടതികളിൽ യോഗ്യന്മാരായ ആളുകളെ തിരഞ്ഞെടുത്തു നിയമിക്കുന്ന പതിവു വളരെ ചുരുക്കമായിട്ടാണു കണ്ടു വരുന്നതു്. ശുപാർശയും സേവയുംകൊണ്ടു് ഏതെങ്കിലും അധികാരിയെ സമീപിച്ചു് നാമനിഷ്ടൻ വാങ്ങിച്ചുകഴിഞ്ഞാൽ ഇവർ കൈക്കൂലിയും വാങ്ങിച്ചിട്ടു് അക്രമങ്ങൾ നടത്തിക്കൊണ്ടിരിക്കുകയാണു് ചെയ്തുവരുന്നതു്. അതുകൊണ്ടു ബഹുമാനപ്പെട്ട ഗവണ്മെൻറു ഈ സംഗതിയിൽ പ്രധാനമായി ചെയ്യേണ്ടതു് കാഴ്ചശമ്പളവും പ്രാപ്തിയും ധനസ്ഥിതിയും ഉള്ളവരെതെരഞ്ഞെടുത്തു് പഞ്ചായത്തുജഡ്ജിമാരായിനിയമിക്കണമെന്നുള്ളതാണു്. പഞ്ചായത്തുകോടതികളിൽ ജഡ്ജിമാരായി വന്നിട്ടു് യുക്തമായ രകസുകൾക്കുപോലും കൈക്കൂലി വാങ്ങിച്ചിട്ടുള്ളതായി എനിക്കറിയാം. അതിനാൽ ധനസ്ഥിതിയും പ്രാപ്തിയും ഉള്ളവരെ പഞ്ചായത്തു ജഡ്ജിമാരായി നിയമിക്കണമെന്നു അപേക്ഷിച്ചുകൊണ്ടു് ഈ ഉപക്ഷേപത്തെ എതിർക്കുന്നു.

MR. PUTHUPALLY S. KRISHNA PILLAI : It was with the noble idea of educating the public in the practice of self-government and with the object of inculcating in the public mind the fullest confidence in their capacity to administer law and justice among them, that these courts were established. The learned mover of the motion said that some allowance should be given to these Judges;

MR. VARKALA K. MADHAVAN : Only a vehicle allowance.

MR. PUTHUPALLI S. KRISHNA PILLAI : Exactly that.

But, Sir, it is on the distinct understanding that their services would be honorary and only with the idea of associating the people more and more in the system of administration of law and justice that these courts were established. If, as pointed out by Mr. P. S. Muhamed, ...

PRESIDENT: Order, order. The time for the grant is over.

The question that Government be granted a sum of Rs. 11,11,900 under Demand III—Administration of Justice, was put to vote and declared carried.

Motions Nos. 161-173.

The following motions lapsed, the time allotted for the Demand having expired :

MR. VARKALA K. MADHAVAN:

161. To reduce the allotment of Rs. 90,700 for High Court by Rs. 10.

MR. P. S. MUHAMED:

162. To reduce the allotment of Rs. 90,700 for High Court by Re. 1.

MR. A. K KUMARAN VAIDYAN:

163. To reduce the allotment of Rs. 42,935 for Second Judges and Temporary Second Judges by Re. 1.

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MR. C. JEBAMONY NADAR:
164. To reduce the allotment of Rs. 2,04,477 for Amins, Process Peons etc., by Re. 1.

MR. K. KUNJU PANICKAR:
165. To reduce the allotment of Rs. 4,100 for travelling allowance by Rs. 10.

MR. KANNANTHODATH JANARDANAN NAIR.:
166. To reduce the allotment of Rs. 8,21,600 for Civil and Sessions Courts by Rs. 5.

MR. P. NARAYANA PILLAI:
167. To reduce the allotment of Rs. 1,02,200 for Criminal Courts by Re. 1.

MR. P. NARAYANA PILLAI:
168. To omit the allotment of Rs. 9,500 for Conciliation Offices.

MR. N. NARAYANA KURUP:
169. To reduce the total allotment of Rs. 11,11,900 under Demand III by Rs. 10.

MR. T. C. KESAVA PILLAI:
170. To reduce the total allotment of Rs. 11,11,900 under Demand III by Re. 1.

MR. P. S. MUHAMED:
171. To reduce the total allotment of Rs. 11,11,900 under Demand III by Re. 1.

MR. KANNANTHODATH JANARDANAN NAIR:
172. To reduce the total allotment of Rs. 11,11,900 under Demand III by Rs. 5.

MR. M. L JANARDANA PILLAI:
173. To reduce the total allotment of Rs. 11,11,900 under Demand III by Re. 1.

DEMAND IV—EDUCATION DEPARTMENT EXCLUDING TRAVANCORE UNIVERSITY Rs. 47,09,000.

MR. A. GOPALA MENON: Sir, I move for a grant not exceeding Rs. 44,09,004 under Demand IV—Education Department excluding Travancore University.

PRESIDENT: Legal Remembrancer, what do you say to motion No. 164?

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, the Personal Assistant has very little to do with the whole expenditure. It is a different matter if it was stated that the Personal Assistant is unnecessary. As it is, it is inadmissible.

Motions Nos. 174-192.

The following motions were not moved:

MR. K. G. GOVINDAN:
174. To reduce the allotment of Rs. 3,000 for Personal Assistant by Re. 1

MR. K. KUNJU PANICKAR:
175. To reduce the allotment of Rs. 3,000 for Personal Assistant by Rs. 10.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI:
176. To reduce the allotment of Rs. 1,200 for Manager by Re. 1.

MR. K. G. GOVINDAN:
177. To reduce the allotment of Rs. 1,200 for Manager by Re. 1.

MR. K. R. NARAYANAN:
178. To reduce the allotment of Rs. 6,720 for Salaries by Re. 1.

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